IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18522 of 2004

Between:

Koya Yakub Rao, S/o Venkaiah,
R/o Ammapeta Village, Mudigonda Mandal, Khammam District.

..... PETITIONER

AND

The Mandal Revenue Officer, Mudigonda Mandal, Khammam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the notice issued by the respondent in R.C.No B/1589/2004 dt.22-9-2004 as illegal, arbitrary, and violative of principles of natural justice and consequently direct the respondent not to close the existing bore well of the petitioner in Sy.Nos.55/2, 57/2 and 58/2 to an extent of Ac. 9-11 gts situated at Ammapeta (V), Mudigonda (M) Khammam District.

Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR, Advocate.

Counsel for the Respondent: Govt. Pleader FOR REVENUE

The Court made the following :

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Oral Order:

Heard both sides.

Petitioner, who dug a bore well in Sy.Nos.55/2, 57/2 and 58/2 to draw the water, was served with notice dated 22-09-2004 by the MRO on the complaint made by the neighbour of the petitioner not to draw water from the bore well and asked him to submit his explanation within seven days from the date of receipt of the notice. To which the petitioner submitted his explanation on 27-09-2004. In view of the explanation offered by the petitioner the MRO has to decide whether the provisions of A.P. Water, Land and Trees Act, 2002 (for short 'the Act') are made applicable in the absence of any notification issued under Sections 9 and 11 of the Act, prohibiting of water pumping in certain areas and over exploited areas, if any, and can decide the same after due opportunity to the petitioner. Unless it is decided that the Act is made applicable, petitioner cannot be prohibited to draw the water from the bore well.

In view of the same, the impugned order to the extent of prohibiting the petitioner to draw the water from the bore well is set aside.

The writ petition is partly allowed. No costs.

_____ A.GOPAL REDDY, J.

11-10-2004

Note: Issue CC in two days.

(bo)

Murthy

ASSISTANT. REGISTRAR

// TRUE COPY //

SECTION OFFICER

1. The Mandal Revenue Officer, Mudigonda Mandal, Khammam District.

2.*Two CCs to the Govt. Pleader for Revenue, High Court Buildings,*

Hyderabad (OUT)

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